

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.484 of 2006

The State of Maharashtra. ... Applicant

VS

Shahaji P Patil and anr .. respondents

Dr. F.R. Shaikh, Addl.P.P. for the applicant.

None for the respondents.

CORAM: V.G.PALSHIKAR,Acg C.J. ,&

SMT. NISHITA MHATRE, J.

DATE: SEPTEMBER 12, 2006.

P.C.:

Heard the learned Addl. Public Prosecutor.

By this application the State seeks leave to appeal against an order of acquittal dated 28.10.2005 passed by the learned Adhoc Addl Sessions Judge, Sangli in Criminal Appeal No. 41 of 2001.

2. Obviously this is a case where two views of the evidence on record have been taken by the two courts of competent jurisdiction. In the opinion of one court the evidence leads to the conclusion of guilt whereas according to the appellate court on same set of evidence leads to the conclusion of acquittal. In the circumstances any reasonable man would have prudent doubt

regarding the exact happenings. In such circumstances it cannot be said that the order of acquittal is perverse requiring interference by this court.

Hence Application is rejected.